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CARR & FERRELL LLP 2200 GENG ROAD PALO ALTO, CA 94303			EXAMINER VAN DOREN, BETH	
			ART UNIT 3623	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/416,278

Applicant(s)

TEMPLETON, BRADLEY S.

Examiner

Beth Van Doren

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,54-57 and 72-91 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,54-57 and 72-91 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/22/07 has been entered.

Claim 1 has been amended and claims 82-91 have been added. Claims 1, 3-8, 54-57, and 72-91 are now pending.

Claim Objections

2. Claim 90 is objected to because of the following informalities:

Claim 90 recites "the fist real-time meeting", which contains a typographical error. Claim 90 should more appropriately recite the first real-time meeting. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an

Art Unit: 3623

international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 88-89 and 91 are rejected under 35 U.S.C. 102(e) as being anticipated by Gisby et al. (U.S. 6,044,146).

As per claim 88, Gisby et al. teaches a method comprising:

transmitting or receiving a first request for a first real-time meeting between a requester and a first target, the requester and the first target being individuals (See figures 2 and 3, column 2, lines 33-39, column 3, lines 1-14, wherein incoming calls are received because a caller needs a meeting with a target agent));

determining that the first target is unavailable, using a computing system (See column 3, lines 1-5, column 4, lines 55-64, column 5, lines 5-10, column 6, lines 37-44, column 7, lines 1-20 and 39-55, which discusses availability);

waiting until the first target changes from being unavailable to being available (See figures 2-3, column 5, lines 20-40, wherein the request is queued. See column 3, lines 1-15, column 4, lines 55-67, column 5, lines 35-40, column 6, lines 35-50, column 7, lines 1-20 and 39-55, wherein when the target is available, the meeting can be initiated);

when the first target is available, determining if the requester is available (See column 5, lines 20-40 and 45-62, column 6, lines 35-50, and column 7, lines 1-10 and 32-52, wherein the availability status of R-A (the requester) is based on priority and thus the requester can be gotten based on this status);

Art Unit: 3623

if the requester is available, then initiating the first real-time meeting (See column 3, lines 1-15, column 4, lines 55-67, column 5, lines 35-40, column 6, lines 35-50, column 7, lines 1-20 and 39-55, wherein both parties are available and the meeting is initiated based on the availability and priority of the requester and the availability of the agent).

Examiner notes that the limitation “if the requester is unavailable, then waiting until a time the requestor becomes available” does not occur in methods where the requester is available in the previous limitations. Therefore, since Gisby et al. teaches that the requester is available, the limitation “if the requester is unavailable, then waiting until a time the requestor becomes available” is not required.

As per claim 89, claim 89 is directed to and further limits the limitation “if the requester is unavailable, then waiting until a time the requestor becomes available” of claim 88. Examiner notes that the limitation “if the requester is unavailable, then waiting until a time the requestor becomes available” does not occur in methods where the requester is available in the previous limitations. Therefore, since Gisby et al. teaches that the requester is available, the limitation “if the requester is unavailable, then waiting until a time the requestor becomes available” is not required, and therefore the limitations of claim 89 further do not occur.

As per claim 91, Gisby et al. teaches transmitting or receiving a second request for a second real-time meeting between a second requestor and the first target, the second request being transmitted or received between a time the first request is transmitted or received and a time the first real-time meeting is initiated and initiating the second real-time meeting prior to the first real-time meeting if the second requester becomes available before the first requester (See figures 2-3, column 3, lines 1-20, column 5, lines 20-40, column 6, lines 35-45, column 7, lines

Art Unit: 3623

1-15 and 35-50, wherein a second request for an agent is received, the request is queued, and wherein a queue of callers requesting an agent is formed. There is one agent that takes multiple calls from the queue and thus the agent is the common party).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3-8, 54-55, 72-79, 81-82, 84-85, and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gisby et al. (U.S. 6,044,146) in view of Yacenda et al. (U.S. 5,515,426).

As per claim 1, Gisby et al. teaches a computer-implemented method for the intermediation of real time meetings, comprising:

receiving an indication by a requester system that a requester (R-A) wants to request a real-time meeting M-A with a target T-A (See figures 2 and 3, column 2, lines 33-39, column 3, lines 1-14, wherein incoming calls are received because a caller needs a meeting with a target agent);

sending to a decider system (D) a request to conduct a real time meeting M-A (See figures 2 and 3, column 5, lines 1-20 and 40-55, wherein a system receives the request for the meeting and queues the request);

queuing the request for the meeting M-A by the decider system (See figures 2-3, column 5, lines 20-40, wherein the request is queued);

receiving by the decider system (D) an availability status of T-A (See column 3, lines 1-5, column 4, lines 55-54, column 5, lines 5-10, column 6, lines 37-44, column 7, lines 1-20 and 39-55, which discusses availability);

receiving by the decider system (D) an availability status of R-A (See column 5, lines 20-40 and 45-62, column 6, lines 35-50, and column 7, lines 1-10 and 32-52, wherein the availability status of R-A (the requester) is based on priority and thus the requester can be gotten based on this status);

receiving an indication by the requester system that a requester (R-B) wants to request a real-time meeting M-B with target T-B, the meeting M-B to be disjoint in time with the meeting M-A; and such that one of the parties to M-A (R-A or T-A), known as the 'common party' is also the same as one of the parties to M-B (R-B or T-B) and thus there are only three distinct parties, the decider D being associated with the common party (See figures 2-3, column 3, lines 1-20, column 5, lines 20-40, column 6, lines 35-45, column 7, lines 1-15 and 35-50, wherein a second request for an agent is received, the request is queued, and wherein a queue of callers requesting an agent is formed. There is one agent that takes multiple calls from the queue and thus the agent is the common party);

sending to the decider system (D) a request to conduct a real time meeting M-B (See figures 2 and 3, column 5, lines 1-20 and 40-55, wherein a system receives the request for the meeting and queues the request);

queuing the request for the meeting M-B by the decider system, such that requests for at least two distinct meetings, disjoint in time are placed in the queue, so that multiple pending real time meetings for the common party are in the queue at the same time (See figures 2-3, column

Art Unit: 3623

5, lines 20-40, wherein the request is queued, and wherein a queue of callers requesting an agent is formed);

receiving by the decider system (D) an availability status of target T-B (See column 3, lines 1-15, column 4, lines 55-54, column 5, lines 5-10, column 6, lines 37-44, column 7, lines 1-20 and 39-55, which discusses availability);

receiving by the decider system (D) an availability status of the requester R-B (See column 5, lines 20-40 and 45-62, column 6, lines 35-50, and column 7, lines 1-10 and 32-52, wherein the availability status of R-A (the requester) is based on priority and thus the requester can be gotten based on this status);

initiating, by the decider, one of the two meetings M-A and M-B by connecting the common party and the other party to that meeting when the common party and that other party are mutually available (See column 3, lines 1-15, column 4, lines 55-67, column 5, lines 35-40, column 6, lines 35-50, column 7, lines 1-20 and 39-55, wherein both parties are available and the meeting is initiated based on the availability and priority of the requester and the availability of the agent); and

dequeuing the request for a meeting upon its completion (See at least column 5, lines 1-10, column 8, lines 25-30, wherein it is inherent that the call finishes and that the agent moves to the next requestor in the queue).

However, Gisby et al. does not expressly disclose that a possible availability status of the requester R-A or R-B includes not available.

Yacenda et al. discloses that the requestor (who called an unavailable target party) leaves his/her number for callback and then when the target party becomes available, the requestor is no

Art Unit: 3623

longer available (and thus his/her status is unavailable) (See figures 24 and 24B, column 17, line 55-column 18, line 5, and column 19, lines 32-55, wherein a callback function is indicated, the party to be called back (the requester) is unavailable, and the meeting does not occur until both parties are available).

Both Gisby et al. and Yacenda et al. disclose systems teach telephone functions for connecting a call requester (calling party) and a call target. Gisby et al. specifically discloses systems where requesters are queued when targets are busy. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the call back function of Yacenda et al. in the system of Gisby et al. in order to more efficiently facilitate calls between users by eliminating "phone tag" situations and causing a user to be on hold for long periods of time.

As per claim 3, Gisby et al. teaches wherein a system of the target T-A is polled to determine the availability of target T-A (See column 5, lines 5-11, wherein the system knows if the target is logged in and busy).

As per claim 4, Gisby et al. teaches wherein the system of the target T-A sends the availability status of target T-A to the decider system (See column 5, lines 5-11, column 7, lines 1-15 and 30-50, wherein the system knows if the target is busy based on status information established by the target).

As per claim 5, Gisby et al. teaches wherein a system of a party is polled to determine the party's availability (See column 5, lines 5-11, wherein the system knows if the target is logged in and busy).

As per claim 6, Gisby et al. teaches wherein the system of a party sends the party's availability status to the decider system (See column 5, lines 5-11, column 7, lines 1-15 and 30-50, wherein the system knows if the target is busy based on status information established by the target).

As per claim 7, Gisby et al. teaches wherein mutual availability is determined by checking the availability of one of the target/requester pairs T-A/R-A or T-B/R-B and the target (See column 5, lines 5-11, wherein the system knows if the target is logged in and busy or available. Further, see column 3, lines 1-15, column 4, lines 55-67, column 5, lines 35-40, column 6, lines 35-50, column 7, lines 1-20 and 39-55, which discusses availability and priority of the requester).

As per claim 8, Gisby et al. teaches wherein a request is sent to a plurality of targets and mutual availability is determined when the requester and one of the plurality of targets is available (See column 3, lines 1-15, column 4, lines 55-67, column 5, lines 35-40, column 6, lines 35-50, column 7, lines 1-20 and 39-55, wherein both parties are available and the meeting is initiated based on the availability and priority of the requester and the availability of the agent).

As per claim 54, Gisby et al. teaches displaying the availability status of one of the requesters R-A and R-B on the target system, along with an indication that one of the requesters R-A and R-B has requested a meeting (See column 6, lines 45-60, column 8, lines 25-45, wherein the target receives a pop-up concerning the requester).

As per claim 55, Gisby et al. teaches wherein the availability status is one of in, out, and unknown (See column 5, lines 5-11, wherein the system knows if the target is logged in. See also

Art Unit: 3623

column 7, lines 1-10 and 30-57, which discusses further status information about a logged in agent).

As per claim 72, Gisby et al. teaches wherein the decider system a part of the system of the common party for whom it is responsible, and wherein the decider already knows the status of the common party for which it is responsible (The common party is construed as the agent. See figures 2 and 3, column 5, lines 1-20 and 40-55, which discuss the system of the agent(s). See column 5, lines 5-11, wherein the system knows if the target is logged in. See also column 7, lines 1-10 and 30-57, which discusses further status information about a logged in agent).

As per claim 73, Gisby et al. teaches wherein the decider system chooses to activate one of two real time meetings, where the parties for both meetings are available based on priority information provided by either party (See figure 3, column 5, lines 20-40, column 6, lines 35-55, column 7, lines 1-9 and 30-50, wherein availability is based on priority of the requester) or the order in time in which the requests were made (See figure 2, column 4, line 54-column 3, line 11, which discusses FIFO).

As per claim 74, Gisby et al. teaches wherein the decider system chooses to activate one of two real time meetings, where the parties for both meetings are available, based on ranking information including manual ranking through a user interface presented to the common party (See column 6, lines 45-60, column 8, lines 25-45, wherein the target receives a pop-up concerning the requester and has the ability to bump the current call or finish the current call).

As per claim 75, Gisby et al. teaches wherein the decider system chooses to activate one of two real time meetings, where the parties for both meetings are available, based on priority

Art Unit: 3623

information provided by either party (See figure 3, column 5, lines 20-40, column 6, lines 35-55, column 7, lines 1-9 and 30-50, wherein availability is based on priority of the requester).

As per claim 76, Gisby et al. teaches wherein the decider system chooses to activate one of two real time meetings, where the parties for both meetings are available, based on the order in time in which the requests were made (See figure 2, column 4, line 54-column 3, line 11, which discusses FIFO).

As per claim 77, Gisby et al. teaches wherein the decider system chooses to activate one of two real time meetings, where the parties for both meetings are available, based on relationship information about the parties based on party input or past history (see column 5, lines 60-67, wherein a customer database is used).

As per claim 78, Gisby et al. teaches wherein a non-common requester is party to another, distinct meeting request (See figures 2-3, column 3, lines 1-20, column 5, lines 20-40, column 6, lines 35-45, column 7, lines 1-15 and 35-50, wherein a second request for an agent is received, the request is queued, and wherein a queue of callers requesting an agent is formed).

As per claim 79, Gisby et al. teaches wherein a non-common target is party to another distinct meeting request (See figures 2-3, wherein there is a second agent with separate call handling).

As per claim 81, Gisby et al. teaches wherein if all parties become available at once, only one of the meetings M-A and M-B will occur immediately and the other meeting will remain queued (See figure 3, column 5, lines 20-40, column 6, lines 35-55, column 7, lines 1-9 and 30-50, wherein availability is based on priority of the requester, and thus the meeting with the higher priority will occur and the one with lesser priority will remain in the queue).

As per claim 82, Gisby et al. teaches wherein the common party is the target T-A and T-B (See figures 2-3, column 3, lines 1-20, column 5, lines 20-40, column 6, lines 35-45, column 7, lines 1-15 and 35-50, wherein there is one agent that takes multiple calls from the queue and thus the agent is the common party).

As per claim 84, neither Gisby et al. nor Yacenda et al. expressly disclose that the target is a specific individual selected by the requestor.

Both Gisby et al. and Yacenda et al. disclose systems teach telephone functions for connecting a call requester (calling party) and a call target. Gisby et al. specifically discloses systems where requesters are queued when targets are busy. Examiner takes official notice that it is old and well known in the telephone art for a calling party to request a specific individual when placing a call to a second organization, such as when a person calls a company and asks to speak with a certain manager. It would have been obvious to one of ordinary skill in the art at the time of the invention to include requesting a certain target in the system of Gisby et al. in order to more efficiently facilitate calls between users by allowing a user to specifically reach the party he/she set out to call.

As per claim 85, Gisby et al. teaches wherein the target is a specific individual (See figures 2-3, column 3, lines 1-20, column 5, lines 20-40, column 6, lines 35-45, column 7, lines 1-15 and 35-50, wherein the target is an agent).

As per claim 87, Gisby et al. teaches wherein the target is any one of a group of targets (See figures 2-3, column 3, lines 1-20, column 5, lines 20-40, column 6, lines 35-45, column 7, lines 1-15 and 35-50, wherein there is one agent that takes multiple calls from the queue and thus the agent is the common party. There are multiple agents at the call center).

7. Claims 56-57 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gisby et al. (U.S. 6,044,146) in view of Yacenda et al. (U.S. 5,515,426) and in further view of Vaios (U.S. 6,272,216).

As per claim 56, Gisby et al. teaches an availability status of the target T-A (See column 3, lines 1-15, column 4, lines 55-54, column 5, lines 5-10, column 6, lines 37-44, column 7, lines 1-20 and 39-55, which discusses availability). However, neither Gisby et al. does nor Yacenda et al. expressly disclose displaying an availability status of the target T-A on the requester system, along with an indication that the requestor has requested a meeting with the target.

Vaios teaches displaying an availability status of the target T-A on the requester system, along with an indication that the requestor has requested a meeting with the target (See abstract, figure 2, column 4, lines 8-15, 35-58, column 5, lines 19-29, 38-39, and 53-67).

Gisby et al. and Yacenda et al. are in analogous art and it is obvious to combine these references for the reasons set forth above. Further, both Gisby et al. and Vaios disclose systems that connect requesters to agents using queuing methods. Vaios expressly discloses the requester side of these systems, wherein the requester may view status and other information about agents. It would have been obvious to one of ordinary skill in the art at the time of the invention to also allow the requester system to view availability data and meeting requests by the requester in order to more efficiently let the requester gain service in a more timely manner and to allow the requester to have greater control over the handling and routing of their calls. See column 1, lines 23-25 and column 4, lines 43-58 of Vaios.

As per claim 57, Gisby et al. teaches wherein the availability status is one of in, out, and unknown (See column 5, lines 5-11, wherein the system knows if the target is logged in. See also column 7, lines 1-10 and 30-57, which discusses further status information about a logged in agent).

As per claim 80, Gisby et al. teaches wherein the target has two or more real-time meetings in the queue (See figures 2-3, column 5, lines 20-40). However, neither Gisby et al. nor Yacenda et al. expressly disclose that the requester has two or more real-time meetings in the queue.

Vaios teaches that the requester has two or more real-time meetings in the queue (See abstract, column 4, lines 8-15, 43-58, column 5, lines 19-29 and 53-56, wherein multiple requests to multiple agents are queued by the same requester system).

Gisby et al. and Yacenda et al. are in analogous art and it is obvious to combine these references for the reasons set forth above. Further, both Gisby et al. and Vaios disclose systems that connect requesters to agents using queuing methods. It would have been obvious to one of ordinary skill in the art at the time of the invention to also allow the requester system to create a queue of outgoing calls while waiting for an agent in order to more efficiently let the requester gain service in a more timely manner and to allow the requester to have greater control over the handling and routing of their calls. See column 1, lines 23-25 and column 4, lines 43-58 of Vaios.

8. Claims 83, 86, and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gisby et al. (U.S. 6,044,146) in view of Vaios (U.S. 6,272,216).

Art Unit: 3623

As per claims 83 and 86, Gisby et al. does not expressly disclose that the common party is the requestor R-A and R-B and the common party participates in both of the meetings M-A and M-B.

Vaios teaches that the requester has two or more real-time meetings in the queue, and thus is the common party in both of the meeting (See abstract, column 4, lines 8-15, 43-58, column 5, lines 19-29 and 53-56, wherein multiple requests to multiple agents are queued by the same requester system).

Both Gisby et al. and Vaios disclose systems that connect requesters to agents using queuing methods. It would have been obvious to one of ordinary skill in the art at the time of the invention to also allow the requester system to create a queue of outgoing calls while waiting for an agent in order to more efficiently let the requester gain service in a more timely manner and to allow the requester to have greater control over the handling and routing of their calls. See column 1, lines 23-25 and column 4, lines 43-58 of Vaios.

As per claim 90, Gisby et al. does not expressly disclose and Vaios discloses transmitting or receiving a second request for a second real-time meeting between the first requester and a second target, the second request being transmitted or received between a time the first request is transmitted or received and a time the first real-time meeting is initiated; and initiating the second real-time meeting prior to the first real-time meeting if the second target becomes available before the first target (See abstract, column 4, lines 8-15, 43-58, column 5, lines 19-29 and 53-56, wherein multiple requests to multiple agents are queued by the same requester system).

Both Gisby et al. and Vaios disclose systems that connect requesters to agents using queuing methods. It would have been obvious to one of ordinary skill in the art at the time of the

Art Unit: 3623

invention to also allow the requester system to create a queue of outgoing calls while waiting for an agent in order to more efficiently let the requester gain service in a more timely manner and to allow the requester to have greater control over the handling and routing of their calls. See column 1, lines 23-25 and column 4, lines 43-58 of Vaios.

Response to Arguments

7. Applicant's arguments with regards to Gisby et al. (U.S. 6,044,146) and Yacenda et al. (U.S. 5,515,426) have been fully considered, but they are not persuasive. In the remarks, Applicant argues that (1) Gisby et al does not teach or suggest the availability status of the caller and that priority is not the same as caller availability, (2) Yacenda et al. does not teach or suggest that the caller hanging up makes the status of the caller unavailable or determining that the caller is unavailable, (3) the combination of Gisby et al. and Yacenda et al. does not have a reasonable expectation of success since Yacenda et al. requires calling parties to be on the same PBX, whereas in Gisby et al. it is highly unlikely that the person calling the call center would be on the same PBX as the call center, (4) as per claim 3, Gisby et al. does not teach or suggest that the status information is determined by polling, (5) as per claim 4, Gisby et al. does not teach or suggest that the system sends the availability status of the target to the decider system, (6) Gisby et al. does not teach or suggest that availability status is displayed to the agent, (7) as per claim 78, Gisby et al. does not teach or suggest that a caller is a party to more than one request, and (8) as per claim 57, Gisby et al. does not teach or suggest that the availability status is unknown.

In response to argument (1), Examiner respectfully disagrees. The term status is defined as the position of an individual in relation to another or others in the broadest reasonable

Art Unit: 3623

interpretation of the term. The term availability is defined as being ready or accessible in the broadest reasonable interpretation of the term. Therefore, availability status is the accessibility of a requester in relation to the position of an individual in relation to others. Gisby et al. discloses that the user is connected to the system and in queue based on their priority (See column 5, lines 20-40 and 45-62, column 6, lines 35-50, and column 7, lines 1-10 and 32-52). Therefore, the user has the status of available (able to be connected with) and positioned in the queue based on the user's priority. The requester can be gotten based on this status.

In response to argument (2), Examiner respectfully disagrees. Examiner asserted Gisby et al. does not expressly disclose that a possible availability status of the requester R-A or R-B includes not available. Yacenda et al. discloses that a requester disconnects from the system, and thus is unavailable because he/she is no longer in the queue waiting to connect with the second party. See figures 24 and 24B, column 17, line 55-column 18, line 5, and column 19, lines 32-55, wherein a callback function is indicated, the party to be called back (the requester) is unavailable, and the meeting does not occur until both parties are available. Therefore, Yacenda et al. does teach and suggest that the current status of a user is unavailable at the point the target becomes available, and therefore based on this current unavailability, the callback function must be utilized.

In response to argument (3), Examiner respectfully disagrees. Examiner utilized Yacenda et al. to teach the concept that a possible availability status of the requester R-A or R-B includes not available. Examiner did not really on Yacenda et al. to disclose the underlying system on which the method operates. Yacenda et al. discloses that a requester disconnects from the system, and thus is unavailable because he/she is no longer in the queue waiting to connect

with the second party. Therefore, there is reasonable expectation of success that if a caller hangs up from the call center of Gisby et al. based on the teachings of Yacenda et al. that the caller will be viewed as unavailable to the agent.

In response to argument (4), Examiner respectfully disagrees. Examiner notes that the term poll means to survey in the broadest reasonable interpretation of the term. Therefore, claim 3 recites that the system is surveyed to determine the availability of the target. The claim contains no recitation of any specific hardware, software, or functionality utilized to perform such polling. Therefore, Gisby et al. does teach and suggest this limitation. Column 5, lines 5-11, discloses that an application monitors/surveys real-time information concerning the availability status of the agents.

In response to argument (5), Examiner respectfully disagrees. Again, the claim contains no recitation of any specific hardware, software, or functionality utilized to relay the availability status to the decider system. Therefore, Gisby et al. does teach and suggest this limitation. Again, Column 5, lines 5-11, discloses that an application monitors/surveys real-time information concerning the availability status of the agents. This status information is communicated via the real time surveying to the application that distributes calls. See also column 7, lines 30-50.

In response to argument (6), Examiner respectfully disagrees. Availability status and priority is addressed above with regards to argument (1). Thus, the target receives a pop-up concerning the requester in column 6, lines 45-60, column 8, lines 25-45. This pop-up let's the target known that the requester is available and in a certain position in the queue.

In response to argument (7), Examiner respectfully disagrees. Claim 78 recites “wherein a non-common requester is party to another, distinct meeting request”. Based on claim 1, this means that given requester A and B, where A has requested a meeting with target A, requester B is a requester to another meeting distinct from the one between requester A and target A. Gisby et al. teaches second and other requests for agent A or for another agent all together is received, this request is queued and distinct from the meeting between requester A and target A. See figures 2-3, column 3, lines 1-20, column 5, lines 20-40, column 6, lines 35-45, column 7, lines 1-15 and 35-50.

In response to argument (8), Examiner respectfully disagrees. Claim 57 recites “one of in, out, and unknown”. Therefore, the status must be only one of these labels, and therefore since Gisby et al. teaches that the agent is logged in and thus at least teaches the availability status of in, and therefore the status of unknown is outside the scope of the claim. See column 5, lines 5-11, and column 7, lines 1-10 and 30-57.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is 571-272-6737. The examiner can normally be reached on M-F, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3623

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lwd

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August 31, 2007

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